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09/759,108	01/11/2001	Shekhar Kirani	LS/0009.00	1834

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EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/759,108	SHEKHAR KIRANI	
	Examiner	Art Unit	
	David Q Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-63* is/are pending in the application.

4a) Of the above claim(s) *5-7,14-16,30-32,39-41,56 and 57* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-13,17-19,22-29,33-38,42-44,47-55,58-61 and 63* is/are rejected.

7)☒ Claim(s) *20,21,45,46 and 62* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5/22/02
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-4,8-13,17-19,22-23,26-29,33-38,42-44,47-48,51-55,58-59,60-61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. (US 6,600,930) in view of Suda et al. (US 6,385,177).

Regarding claims 1 and 51-54, Sakurai et al. discloses in a wireless environment, a method for efficiently transmitting digital images from a wireless device, the method comprising: establishing a data call from the wireless device to a wireless carrier for uploading digital images or media content (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11); transmitting information pertaining to a digital image or media content to be uploaded from the wireless device to the wireless carrier (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11); transmitting said the digital image or media content from the spooler to a target computer (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11; col. 9, lines 13-22); wherein said selected media content includes digital images and digital audio and digital video (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11; col. 9, lines 13-22 and fig. 2). Sakurai et al. does not disclose said digital image or media content being arranged into individual compartments capable of separate transmission; collecting, at a spooler, the information being transmitted for said digital image or media content; and once the spooler has collected sufficient

information to define at least one individual compartment of said digital image or media content, transmitting said at least one compartment from the spooler to a target computer. However, Suda et al. discloses said digital image or media content being arranged into individual compartments capable of separate transmission (see col. 2, lines 25-30; col. 4, lines 25-35); and transmitting said at least one compartment to a target computer (see col. 4, lines 51-58). It is apparent that the method of Sakurai et al. combined with the method of Suda et al. is able to collect, at a spooler, the information being transmitted for said digital image; and once the spooler has collected sufficient information to define at least one individual compartment of said digital image or media content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Suda et al. to Sakurai et al. in order for image data for one picture can be transmitted in a short time without interruption.

Regarding claim 26, Sakurai et al. discloses a system for efficiently transmitting digital images from a wireless device comprising: a wireless device capable of establishing a data call to a wireless carrier for uploading digital images (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11); a module directing transmission of information pertaining to a digital image to be uploaded from the wireless device to the wireless carrier (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11); transmitting said the digital image from the spooler to a target computer (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11; col. 9, lines 13-22). Sakurai et al. does not disclose said digital image being arranged into individual compartments capable of separate transmission; and a spooler for collecting the information being transmitted for said digital image, wherein once the spooler has collected sufficient information to define at least one individual compartment of said digital image. However, Suda et al. discloses said digital image

being arranged into individual compartments capable of separate transmission (see col. 2, lines 25-30; col. 4, lines 25-35); and transmitting said at least one compartment to a target computer (see col. 4, lines 51-58). It is apparent that the method of Sakurai et al. combined with the method of Suda et al. is able to collect, at a spooler, the information being transmitted for said digital image; and once the spooler has collected sufficient information to define at least one individual compartment of said digital image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Suda et al. to Sakurai et al. in order for image data for one picture can be transmitted in a short time without interruption.

Regarding claims 2, 27 and 55, the method of over Sakurai et al. in view of Suda et al. also discloses wherein said step of establishing a data call from the wireless device to a wireless carrier for uploading digital images includes: connecting a digital camera with wireless connectivity to a cellular phone device; and placing a data call through the cellular phone device (see col. 6, lines 29-36; and col. 6, line 66 to col. 7, line 11; col. 9, lines 13-22 of Sakurai et al.).

Regarding claims 3,28 and 63, the method of over Sakurai et al. in view of Suda et al. also discloses wherein said step of transmitting information includes: transmitting an individual compartment of the digital image (see col. 2, lines 25-30; col. 4, lines 25-35 of Suda et al.).

Regarding claims 4 and 29, the method of over Sakurai et al. in view of Suda et al. also discloses wherein said step of transmitting said at least one compartment from the spooler to a target computer includes: transmitting said at least one compartment to a server infrastructure that includes at least one Web server (see col. 27, lines 3-10 of Sakurai et al.).

Regarding claims 8 and 33, the method of over Sakurai et al. in view of Suda et al. also discloses wherein information is transmitted using TCP/IP protocol (see fig. 2 and 3 of Sakurai et al.).

Regarding claims 9 and 34, the method of over Sakurai et al. in view of Suda et al. also discloses establishing a data call to a modem pool present at the wireless carrier, wherein said spooler is located in proximity to said modem pool (see fig. 2 of Sakurai et al.).

Regarding claims 10-11 and 35-36, the method of over Sakurai et al. in view of Suda et al. also discloses wherein said spooler is connected to said modem pool via a high-speed data network; wherein said spooler is connected to said target computer via a high-speed data network (see fig. 2 of Sakurai et al.; contents DB and ISDN).

Regarding claims 12, 37, and 58, the method of over Sakurai et al. in view of Suda et al. also discloses determining at the spooler which digital images are required to be uploaded, based, at least in part, on digital images already successfully uploaded (see fig. 7 of Suda et al).

Regarding claims 13, 38 and 59, the method of over Sakurai et al. in view of Suda et al. also discloses receiving concurrent data calls from a plurality of client devices, such that a multitude of connections exist with a multitude of digital images being simultaneously transmitted (see fig. 2 and 3 of Sakurai et al.).

Regarding claims 17-18, 42-43 and 60-61, the method of over Sakurai et al. in view of Suda et al. also discloses wherein each digital image is identified by a globally-unique identifier; wherein the globally-unique identifier of each digital image is based, at least in part, on a device ID of the wireless device where the image originated (see abstract of Suda et al).

Regarding claims 19 and 44, the method of over Sakurai et al. in view of Suda et al. does not mention wherein image information is transmitted from the spooler to the target computer using XML protocol. Official notice that image information transmitted from the spooler to the target computer using XML protocol is well known in the art (see WO 02/21341). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching to the method of Sakurai et al. in view of Suda et al. in order to be able to save large image data for one picture in a small memory of user's device.

Regarding claims 22-23 and 47-48, the method of over Sakurai et al. in view of Suda et al. also discloses wherein the spooler is deployed at a location remote from the wireless carrier (see fig. 2 and 3 of Sakurai et al.); wherein the spooler is deployed at a location proximate to the target computer (see fig. 2 and 3 of Sakurai et al.).

2. Claims 24-25 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. (US 6,600,930) in view of Suda et al. (US 6,385,177) and further in view of Parulski et al. (US 2001/0019359).

Regarding claims 24-25 and 49-50, the method of over Sakurai et al. in view of Suda et al. does not mention wherein said information pertaining to the said digital image includes meta data; wherein said meta data includes one or more e-mail addresses relevant to said digital image. However, Parulski et al. discloses information pertaining to the said digital image includes meta data; wherein said meta data includes one or more e-mail addresses relevant to said digital image (see par. 0007). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Parulski et al

to the method of Sakurai et al. in view of Suda et al. so that the digital image is not only sent to the wireless device, but it also is sent to devices using wire line.

Allowable Subject Matter

3. Claims 20-21,45-46 and 62 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Regarding claims 20-21,46 and 62, the method of over Sakurai et al. in view of Suda et al. does not mention determining at the spooler which digital images are required to be uploaded, based, at least in part, by querying the target computer for a list of digital images already successfully uploaded; determining at the spooler which digital images are required to be uploaded, based, at least in part, by querying the wireless device for a list of digital images that are desired to be uploaded as specified in claims 20-21,46 and 62.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moise Emmanuel can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN
David Nguyen

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SUPERVISORY PATENT EXAMINER